

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

DANNY WEEKS, <i>et al.</i> ,)	
)	
PLAINTIFFS,)	CASE NO. 1:10-cv-602-MEF
v.)	
)	
WYETH, INC., <i>et al.</i> ,)	(WO)
)	
DEFENDANTS)	

ORDER

This cause is before the Court on Defendants Wyeth LLC, Pfizer Inc., and Schwarz Pharma Inc.’s (collectively “Brand Name Defendants”) Motion to Certify Controlling Question to the Supreme Court of Alabama, filed May 31, 2011. (Doc. # 97). The Court heard oral argument on this motion on July 6, 2011. After considering the parties’ submissions and the argument heard, it is the opinion of this Court that this case involves determinative questions of law on which there is no clear controlling precedent from the Alabama Supreme Court. Accordingly, the undersigned finds that it is appropriate to certify those determinative questions of law to the Alabama Supreme Court pursuant to Alabama Rule of Appellate Procedure 18.

However, the proposed question submitted by the brand name defendants is too broad and does not encompass the nuances involved in this case. Accordingly, it is hereby ORDERED that the parties are to resubmit proposed questions for certification by **August 12, 2011**. It is strongly suggested that the questions be submitted jointly.

However, if the parties cannot come up with a joint question, each side will be expected to submit proposed questions for certification.

Done this the 29th day of July, 2011.

/s/ Mark E. Fuller
UNITED STATES DISTRICT JUDGE